

REMARKS

Claims 2-20 and 28 are pending in this application. Claims 20-27 have been canceled and claims 2-4, 8, 9, 12-15, 18 and 28 are amended herein. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Claims 2-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wong, *et al.* (U.S. Patent Application No. 2002/0153551 A1) in combination with Johnson, *et al.* (U.S. Patent No. 6,417,535 B1). Claims 12 and 28 are independent claims and the remaining claims are dependent. The Examiner acknowledges that Wong, *et al.* fails to teach that the MIMCap trenches in the MIMCap region and the conductive line trenches in the wiring region have equal height and width as well as substantially vertical sidewalls. The Johnson, *et al.* reference is then combined with Wong, *et al.* to overcome the vertical sidewalls and equal dimension trench structure shortcomings. However, the independent claims, as amended, also include the limitations that sufficient first and second conductive material is deposited to overfill the MIMCap trenches used to form the MIMCap top electrode and the wiring region trenches. The cavity in upper capacitor plate 10 shown in Figures 6 and 7 of Wong, *et al.* clearly illustrates that this limitation is not even suggested much less taught by the Wong, *et al.* reference.

Further, although the Johnson, *et al.* reference may show equal dimensions and vertical sidewalls, it is submitted that the invention is a method for forming a MIMCap and conductive line structure having such equal dimensions and sidewalls and certainly the method fabricating the structure described in the Johnson, *et al.* reference is completely different than the method of the present invention. For example, the wiring trenches and the capacitor trenches in the structure by Johnson, *et al.* are formed at different times.

More specifically, it is noted that, as shown in Figures 8 – 10 of Johnson, *et al.*, the capacitor structure is produced first and then the conductor lines are formed. This is the reverse of the present

invention, which first forms the conductive lines 24 and then forms the plate conductive material 28. Depositing the resist 20 first to cover the MIMCap region as shown in Figure 4, enables a very fine structuring of the conductive lines 24.

Therefore, it is submitted that the Wong, *et al.* and the Johnson, *et al.* references, whether considered singly or in combination, do not teach all of the elements of the two independent method claims of the present invention and further, the method of forming conductive lines and capacitors according to the Johnson, *et al.* reference is completely reversed from the method of the present invention.

The remainder of the claims in the present application depend from either claim 12 or 28 and are believed to be allowable not only for their own limitations but also for depending from a claim deemed allowable.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James C. Kesterson, Applicant's attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit Account No. 50-1065.

Respectfully submitted,

24 June 2004
Date

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